

103 Rejections

The Examiner rejects claims 1, 4, 6, 8, 9 and 18 and 19 under 35 USC § 103 as being unpatentable over Stentiford. The applicant respectfully submits that the claims, as amended are not disclosed or suggested by Stentiford.

Stentiford tapers inward at the ankle. As provided by Stentiford in column 1, lines 54-56 "The protector is open at both ends, the upper end being larger than the lower end for permitting the foot to be inserted". See also Figures 1 and 2. Because the protector is tapered towards the bottom, Stentiford requires (see column 2, lines 70-80) that "the bottom edge of portion 11 is cut as at 15 to snugly fit over the shoe upper...The outside wall of the portion 11 is slit as at 17 from the lower open end, and arranged on one adjacent edge of the slit".

This teaches away from the present invention, as Stentiford requires left and right pant legs. See Column 1, lines 47-49. The present invention allows for a single leg covering that may be utilized on a left or right side and is leak proof. This provides for much easier production, lower costs to produce and ease of use.

The Examiner rejects claims 5, 10 and 13 under 35 USC § 103 as being unpatentable over Stentiford in view of Wruck. Wruck suffers from the same deficiencies as Stentiford in that it has an opening and requires specific left and right legs that are different. For example, if the left leg warmer as in Wruck and depicted in Figure 1 of U.S. Patent Number 5,033,126 was switched to the right leg, the flap (136) would face the wrong way and be prone to leakage.

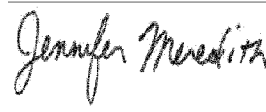
D. Conclusion

Applicant respectfully requests that the final rejection should be withdrawn and the claims proceed to allowance.

In view of the above remarks, Applicant respectfully believes that all pending claims are in a condition for allowance, and prompt and favorable action on all claims are respectfully requested.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jennifer Meredith", enclosed within a rectangular border.

By:

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